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as compared to employees in other companies. Applicant's Specification (see, for example, p. 4, ln. 23) defines an employee attribute as "skills and responsibilities" possessed by a given employee. With reference to Applicant's Specification (p. 7, lns. 2-5), utilizing such a computer system allows progressive companies to respond to compensation increases in a job marketplace, thus, allowing a company to retain key personnel and allowing the company to fill key positions. With reference to Applicant's Specification (p. 9, lns. 21-23), "[i]f a subscriber was interested in employee compensation data for a computer programmer, the subscriber might enter, 'programmer, C, Visual Basic' in the 'skills and responsibilities' category of the query form."

With respect to the 35 U.S.C. §112, second paragraph, rejections of claims of 1-3, 5-10, 12-17 and 19-21 for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, Applicant would like to specifically point out that comparison of employee data between a plurality of subscribers is provided by a report that is compiled, in response to receiving a query including at least one desired employee attribute from a specific subscriber, from a database of subscriber data that is provided by the plurality of subscribers. Thus, Applicant submits that claims 1-3, 5-10, 12-17 and 19-21 are definite and particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With respect to the rejection of claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §102(e), Applicant submits that in order for a rejection under 102(e) to be proper, each and every claimed feature must be disclosed in a single reference. At the outset, Applicant notes that Kahn is generally directed to a computerized system that ensures compliance with a wide variety of tax-related and employee-related rules across federal, state and local jurisdictions, relating to, for example, overtime pay, benefits limits, payment frequency and scheduled reporting requirements. Further, while Kahn discloses storing certain employee data, Kahn does not teach correlating employee data to a plurality of employee attributes. Further, Kahn does not teach receiving a query, which includes at least one desired employee attribute, from a specific subscriber and compiling a report which provides associated employee data for employees that have the at least one desired employee attribute.

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Applicant specifically notes that Kahn, col. 11, Ins. 45-49, states that system features and functionality are directed toward software that performs calculations, rule applications, disbursements, electronic fund transfers, and report generation related to the administration and processing of employers' payrolls and benefit plans. While the Kahn system may generate reports, it does not generate a report that provides associated employee data for employees that have at least one desired employee attribute (as defined by Applicant's Specification) that is received in a query from a specific subscriber.

With respect to Kahn, col. 11, ln. 59 through col. 12, ln. 10, Applicant submits that while an individual employee may have a number of defining descriptors, such as a name, employee number, social security number, date of birth, etc., these descriptors are specific to a given employee and are not correlated to a plurality of employee attributes that are utilized to compile a report that provides associated employee data for employees that have at least one desired employee attribute so as to facilitate automated comparison of employee data between a plurality of subscribers.

With specific reference to independent claims 1, 8 and 15, Applicant submits that Kahn (col. 11, ln. 59 through col. 12, ln. 10) merely discloses storing employee data for a number of employees in a database, such as an employee name, employee number, employee social security number, employee date of birth, etc. Applicant notes that this employee data is not an employee attribute, as defined in Applicant's Specification. As above, Applicant's Specification (see p. 4) defines an employee attribute as "skills and responsibilities" possessed by a given employee. With reference to Applicant's Specification (p. 9, Ins. 21-23), one or more employee attributes are input into a "skills and responsibility" category (see Table 1).

With respect to Kahn, col. 14, Ins. 20-67, this passage merely discloses that executable optimized SQL statements and data tables may be saved as "stored procedures." This is apparently done to facilitate the modification of rules and calculations by manipulation of data tables, without requiring modification of the SQL statements that are included within the "stored procedures." This does not teach receiving a query, which includes at least one desired employee attribute, from a specific subscriber. Further, with respect to Kahn, col. 30, Ins. 42-67, inputting information into an Accrual Rate Wizard, such that a specific employee's paid time off can be

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calculated, also does not teach receiving a query that includes at least one desired employee attribute from a specific subscriber.

With respect to Kahn, col. 6, lns. 8-22, automatically generating reports to tax authorities is irrelevant to compiling a report from a database in response to a query that includes at least one desired employee attribute, wherein the report provides associated employee data for employees that have the at least one desired employee attribute. With respect to Kahn, col. 14, lns. 20-67, Applicant again submits that the use of "stored procedures" is irrelevant to Applicant's claimed subject matter. With respect to Kahn, col. 31, lns. 1-13, Applicant submits that displaying an employee's annual paid-time-off accrual rate based on a number of months an employee has been employed is irrelevant to Applicant's claimed subject matter. Further with respect to Kahn, col. 5, lns. 57-67, the fact that customer reports may be generated and transferred automatically to an appropriate party is irrelevant to Applicant's claimed subject matter, which is directed to compiling a report that includes associated employee data for employees that have at least one desired employee attribute.

With respect to Applicant's claims 3, 10 and 17, as above, Kahn, col. 14, lns. 20-67, merely discloses "stored procedures," which allow rules and calculations to be modified by adding or deleting steps within a data table without manually modifying associated SQL statements. This does not teach associating a query with a specific subscriber, storing the query and providing an updated report when the specific subscriber selects the stored query, such that the specific subscriber is not required to again enter at least one desired employee attribute associated with the stored query. In sum, as above, Kahn, col. 14, lns. 20-67, discloses a "stored procedure" that is employer specific and is utilized to calculate a specific employee's overtime based upon a specific way in which the employer calculates an employee's overtime.

With respect to the rejections of claims 4, 11 and 18, Applicant agrees that Kahn, col. 22, lns. 12-14, discloses that industry-standard job classifications can be used to create salary surveys across different employers. However, this salary survey is not provided based upon at least one desired employee attribute, as is defined in Applicant's Specification.

With respect to claims 5, 12 and 19, Applicant's Specification states that a scope measure is utilized to further limit a query and may include information, such as profit/non-profit,

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industry, company size, revenue and geographic location, in addition to the at least one desired employee attribute. These scope measures can be utilized to further limit the information included within a report, i.e., associated employee data for employees that have at least one desired employee attribute. Further, Applicant submits that this scope measure is not directed to a specific individual employee but rather to a group of employees that meet the scope measure.

With respect to claims 6, 13 and 20, Applicant submits that a report that includes payments per employee does not teach providing a report that includes at least one desired employee attribute that was used to compile the report. In addition, Applicant submits that claims 2-7, 9-14 and 16-21 are dependent upon allowable claims and, as such, are also allowable. Further, Applicant submits that Kahn and/or the combination of Kahn and Nguyen do render obvious Applicant's claimed subject matter as is discussed above.


Applicant respectfully submits that this reply is fully responsive to the Office Action mailed August 15, 2002. With the foregoing discussion, Applicant has fully demonstrated that the claims are not anticipated by Kahn, nor are they obvious in view of the combination of Kahn and Nguyen.

#### CONCLUSION

For all of the foregoing reasons, Applicant respectfully submits that claims 1-21 are allowable. If the Examiner has any questions or comments with respect to this reply, the Examiner is invited to contact the undersigned at 616-949-9610.

Respectfully submitted,  
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11-15-02  
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